

Kenneth-Michael:DeLashmutt
c/o 2064 C Mineral Spring Avenue
zip-exempt, near
North Providence, rhode island
North America, the Land [02911-9998]
[Cf. CR13-00159-ML-PAS]

Dated: 31 August, 2015

Certified mail # 7014 2870 0001 5257 8621

To: WILLIAM E. SMITH CHIEF JUDGE
FEDERAL BUILDING AND COURTHOUSE
ONE EXCHANGE TERRACE
PROVIDENCE, RI 02903

Re: Presentment in the nature of a "Letter Rogatory."

This writing is submitted in the nature of a letter rogatory from my court circa 1943, to your court and relates to an apparent and ongoing disparagement of the supposedly unfettered right to remedy and thereby assertion of my private reservation of natural rights at this juncture in time, and as being demonstrably critical to my personal safety and economic well being and addresses the ultimate and individual survival of this native born American. I write this letter as a Man born upon the dry land of this nation and I firmly believe this act of my live birth as being wholly natural and not having arisen as a privilege granted by "this state" of the forum and permits me to speak to the subject in question, namely what I suspect and believe to be the procedural portal and remedy for myself in the flesh to access my inherent and thereby secured natural rights pursuant to the reliance upon the aforesaid reservation of rights without prejudice as provided at UCC 1-308. I may at some point in the future require your certification of any statute as being constitutionally valid and which may be relied on to infringe the reservation of my natural rights.

I ask that you read this letter and accompanying documents carefully and that you not dismiss out of hand, my understanding as related to the manner that many of the administrative entities and their respective operatives who are employed by "this state", appear to cast a blind eye on my assertion to open, notoriously and unconditionally reserve my private and thereby natural rights, **in Common Law** without prejudice as noted at **Rhode Island Constitution section 10, 16 and 24 favoring natural right to prevail.** Where a statute is equally susceptible of two interpretations, one in favor of natural right and the other against it, the former [natural right] is to prevail (as against the summary infringement of rights employing fraud in the inducement by the "law merchant."

WHEREAS; "Merchants have no country. The mere spot they stand on does not constitute so strong an attachment as that from which they draw their gains."

-Thomas Jefferson to Horatio Gates Spafford, 17 Mar. 1817, cited in Papers 14:221 (1)
"Unless you become more watchful in your States and check this spirit of monopoly and thirst for exclusive privileges you will in the end find that the most important powers of

Government have been given or bartered away, and the control of your dearest interests have been passed into the hands of these"

President Andrew Jackson, Farewell Address, March 4, 1837 (2) "I think we are in a position, after the experience of the last 20 years, to state two things: in the first place, that a corporation may well be too large to be the most efficient instrument of production and of distribution, and, in the second place, whether it has exceeded the point of greatest economic efficiency or not, it may be too large to be tolerated among the people who desire to be free."

-Supreme Court Justice Louis Brandeis, testimony before the Committee on Interstate Commerce, 1911. (102) "Behind the visible government there is an invisible government upon the throne that owes the people no loyalty and recognizes no responsibility. To destroy this invisible government, to undo the ungodly union between corrupt business and corrupt politics is the task of a statesman."

-Teddy Roosevelt, the 26th President of the United States, during his 1912 election campaign (104) "I see in the near future a crisis approaching that unnerves me and causes me to tremble for the safety of my country ...corporations have been enthroned and an era of corruption in high places will follow, and the money power of the country will endeavor to prolong its reign by working upon the prejudices of the people until all wealth is aggregated in a few hands and the Republic is destroyed."

-U.S. President Abraham Lincoln, Nov. 21, 1864, from a letter to Col. William F. Elkins (3)Due to the above referenced circumstance causing the country to move to rapid deterioration, I have made a personal determination to traverse to my God given natural right and proceed out of the "shadow" of the fictional creations crafted by "this state" and will not animate such entities in a subservient nature.

WHEREAS, it would appear the majority of the operatives of "this state" be it out of ignorance, indifference or extreme prejudice completely refuse to acknowledge such assertion of the natural right as clearly acknowledged within Article 1, section 2 of the Rhode Island Constitution. Unfortunately, the problem seems to go to an insensitive attitude or perception among many government employees, agents and those exercising the administrative police powers at article I and article II administrative tribunals while relying wholly upon the Administrative Procedures Act for their authority and presume a waiver of my substantive Due Process rights.

Said employees of the state of the forum see this circumstance as an "us" vs. "them" contest and perceiving the people as being the more or less ignorant masses who are presumed to be statutorily captured and thereby, the involuntary source of funding for the public employee's regular paychecks, benefits and assorted perks. Said people dare not threaten the operative's privileged well being by reserving the right to access their natural right, which could go to the economic detriment of "this state" and its privileged public [servants].

Another prime example lies in "Policing for Profit" to wit: "Policing for Profit" Report Documents the Nationwide Abuse of Civil Forfeiture

Each State & Feds Graded on Forfeiture Laws & Practice; Only Three States Earn Grades of B or Better. It's called policing for profit and it's happening all across America.

Police and prosecutors' offices seize private property—often without ever charging the owners with a crime, much less convicting them of one—then keep or sell what they've taken and use the profits to fund their budgets.

And considering law enforcement officials in most states don't report the value of what they collect or how that bounty is spent, the issue raises serious questions about both government transparency and accountability.

Under state and federal civil asset forfeiture laws, law enforcement agencies can seize and keep property suspected of involvement in criminal activity.

Unlike criminal asset forfeiture, however, with civil forfeiture, a property owner need not be found guilty of a crime—or even charged—to permanently lose her cash, car, home or other property.

According to the Institute for Justice—whose fight against eminent domain abuse raised that issue to national prominence—**civil asset forfeiture is one of the worst abuses of property rights in our nation today.** The Institute for Justice today released a first-of-its-kind national study on civil forfeiture abuse. The report—Policing for Profit: The Abuse of Civil Asset Forfeiture (<http://www.ij.org/PolicingForProfitPDF>) is the most comprehensive national study to examine the use and abuse of civil asset forfeiture and the first study to grade the civil forfeiture laws of all 50 states and the federal government. The report finds, not surprisingly, that by giving law enforcement a direct financial incentive in pursuing forfeitures and stacking the legal deck against property owners, most state and federal laws encourage policing for profit rather than seeking the neutral administration of justice. (For additional resources on this report, visit: <http://www.ij.org/PolicingForProfit>. For a brief video on this topic, visit: http://www.youtube.com/watch?v=hytkAaoF2k&feature=player_embedded.)

Government at every level is in on the take and the problem is growing. For example, in 2008, for the first time in its history, the Department of Justice's forfeiture fund topped \$1 billion in assets taken from property owners and now available to law enforcement. State data reveal that state and local law enforcement also use forfeiture extensively:

From 2001 to 2002, currency forfeitures alone in just nine states totaled more than \$70 million. Considering this measure excludes cars and other forfeited property as well as forfeiture estimates from many states for which data were unreliable or that did not make data available for those years, this already-large figure represents just the tip of the forfeiture iceberg.

Laws Stacked Against Property Owners

The report demonstrates that legal procedures make civil forfeiture relatively easy for most governments and difficult for many property owners to fight. The vast majority of states and the federal government use a standard of proof—what is needed to successfully prosecute a forfeiture action—lower than the “beyond a reasonable doubt” standard required to prove an individual was guilty of the criminal activity that supposedly justified the taking of his property. Given that situation, it is not surprising that upwards of 80 percent of forfeitures at the federal level occur absent a prosecution. Likewise, many jurisdictions provide an “innocent owner” defense that allows owners to get their property back if they had no idea it was involved in a crime. But in most places, owners bear the burden of establishing their innocence.

"Americans are supposed to be innocent until proven guilty, but civil forfeiture turns that principle on its head," said Institute for Justice Senior Attorney Scott Bullock, a co-author of the report. "With civil forfeiture, your property is guilty until you prove it innocent."

Grading Forfeiture Laws and How Government Evades Them

In *Policing for Profit*, Institute For Justice grades each state on its forfeiture laws and other measures of abuse. Only three states (Maine, North Dakota and Vermont) earned a grade of B or better. Maine earned the highest grade, an A-, largely because all forfeiture revenues go to the state's general fund, not directly into law enforcement coffers. On the other end of the spectrum, states like Texas and Georgia both earned a D- because their laws make forfeiture easy and profitable for law enforcement—with 90 and 100 percent of proceeds awarded to the agencies that seized the property.

Federal forfeiture law makes the problem worse with so-called "equitable sharing."

Under these arrangements, state and local officials can hand over forfeiture prosecutions to the federal government and then receive up to 80 percent of the proceeds—even when state law bans or limits the profit incentive. Equitable sharing payments to states have nearly doubled from 2000 to 2008, from a little more than \$200 million to \$400 million.

"Our results show that law enforcement is acting in pursuit of profit: Agencies are using federal law as a loophole to circumvent more restrictive and less profitable state laws," said Marian Williams, Ph.D., assistant professor of government and justice studies at Appalachian State University and a co-author of the report. "This finding is consistent with a growing body of scholarly research, news reports and even testimonials from law enforcement officers about civil asset forfeiture practices."

Six states earned an F and 29 states receive a D for their laws alone. Lax federal laws earn the federal government a law grade of D-. Eight states receive a B or higher for their laws: Indiana, Maine, Maryland, Missouri, North Carolina, North Dakota, Ohio and Vermont. But extensive use of equitable sharing pulls down the final grades of five of those states: Indiana (C+), Maryland (C+), Missouri (C+), North Carolina (C+) and Ohio (C-). The lowest-graded states overall, combining both poor laws and aggressive use of equitable sharing, are Georgia, Michigan, Texas, Virginia and West Virginia. Each received overall grades of D-.

Policing for Profit was co-authored by Institute for Justice's Scott Bullock and criminal justice researchers Drs. Marian Williams and Jefferson Holcomb of Appalachian State University and Tomislav Kovandzic of the University of Texas at Dallas. The university professors examined equitable sharing data and found clear evidence that law enforcement is acting in pursuit of profit. When state laws make forfeiture harder and less profitable, state and local law enforcement engages in more equitable sharing to circumvent the state laws. New York, for example, has an average grade for its forfeiture laws as rated by Institute For Justice—but is one of the most aggressive states for equitable sharing, earning it a D.

Bullock said, "If you want reforms that will end policing for profit, you must recognize two realities. First, states should not incentivize forfeiture through laws that make it easy and profitable, as most do. But second, even when those laws are tightened, the research findings are clear: Police are using equitable sharing through the federal government as a loophole to pursue forfeitures that under state law wouldn't be allowed or wouldn't provide as much return. The only way, therefore, to end this growing and unaccountable use of

government power is through real reforms that truly remove the profit motive and protect innocent citizens."

The Institute for Justice recommends that, first, law enforcement should be required to convict people before taking their property. Law enforcement agencies could still prosecute criminals and forfeit their ill-gotten possessions—but the rights of innocent property owners would be protected. Second, police and prosecutors shouldn't be paid on commission. To end the perverse profit incentive, forfeiture revenue must be placed in a neutral fund, like a state's general fund. It should also be tracked and reported so law enforcement is held publicly accountable. Finally, equitable sharing must be abolished to ensure that when states act to limit forfeiture abuse, law enforcement cannot evade the new rules and continue pocketing forfeiture money.

"Police and prosecutors should not be profiting at the expense of private property rights, and the Institute for Justice will use every tool at our disposal to expose this injustice and bring it to an end," said Institute for Justice President and General Counsel Chip Mellor.

As a Belligerent Claimant proceeding in accordance with my Natural right and standing as a Man upon the dry land, I make the following Declaration for cause:

AFFIDAVIT AND UNDERSTANDING

It is well settled the Constitution is not a defense in "satisfaction and accord" commercial venture unless "dishonor" of negotiable instrument is in dispute or fraudulently represented. If no contract or related controversy exists, there cannot be an "action" to force acceptance of obligation if the Citizen remains In Propria Persona upon a license or summons.

In Propria Persona however, will cause to be added upon all presented instruments, signed by a transferrer agent or not, will evidence the following; "With Reservation of all Rights, Remedies and applicable Treaties Without Prejudice UCC 1-308," and will be written above my blue wet ink signature, and thereby, reverts the burden of proof and places the implied terms upon the agency or its agent and thereby accessing Article III rights as so reserved. Individual terms are non-negotiable with agent/police power and must be accepted. Whereas, Article III protection is afforded by the very statute intended to subject myself to the jurisdiction of commercial agency for said agency is non-assumpsit. The agency charter must follow Uniform Commercial Code to the letter.

Black's Law 5th : Non-assumpsit. "The general issue in the action of assumpsit; as being a plea by which the defendant avers that "he did not [knowingly] undertake or promise as [agency] alleged."

When this Man becomes aware of any potential controversy regarding agency practice, I will protect my In Propria Persona American Citizenship status by writing/signature as "required" upon all "unconscionable" units evidencing, Without Prejudice UCC 1-308, which will render the unit non-assumpsit and reserves Rights upon the said instrument. The non-assumpsit does not grant "satisfaction and accord" to the agency. Thereby no expectation or "promise" is presumed at UCC 3-104.3.

Regarding the Penumbra Doctrine as defined in Black's Law 5th. "The implied powers of the federal government predicated on the Necessary and Proper Clause of the u.S. Constitution, Art. I, Sec.8 (18), permit one implied power to be engrafted on another implied power."
Kohl v. U.S., 91 U.S. 367 (1875) 23 L.Ed. 449

This is a "stare decisis" or bench statute and does not apply to Article III Judicial Power or myself as a "natural born American Citizen" of the respective land. Article I Legislative and Article II Executive are the implied powers which are engrafted at the "inferior" Fed/State of the forum court. A contract of corporate cause from Article I a violation of the law; a tort. gives police power to agency via Article II Executive and puts the burden on the Citizen to prove (a negative) that he has not violated some form of agreement. The Penumbra Doctrine however, does not include Article III, which is not an "implied" power.

Article I, Sec. 8 Cl. (1), "The Congress shall have the power to lay and collect Taxes, Duties, and Impost and Excises."

None of these constitute wages or Right to employment and thereby agency License. Neither is Congress authorized to delegate tax authority to any of the other "implied powers." The Penumbra Doctrine allowed mere "implied powers" to be "engrafted." Article II Executive to collect the tax with "implied" police power, but no delict to destroy diversity of Citizenship. Article I Legislative is the other "implied" power and together causes third party instruments to be merely "presumed" to obligate the state Citizen.

These instruments fail to fully disclose their misrepresentation, omission, concealment, secrecy, and are of collusion, fraud in the inducement and conspiracy. The flag of Article II Admiralty is proof of third party Department of Justice Executive, using Article I Legislative statute to dispense Law Merchant procedure to sell for profit private copyright statute. Third party units are voidable and both inferior powers and are held to prove their jurisdiction to use the police power enabling clauses within their own system charter. See The Clearfield Doctrine.

An Article I witness must verify accuracy and validity of its commercial "officer of the court" summons to the proper "parties." Article II Executive must witness to the validity of proper instruments the agency is "carrying into effect" and validate the unit's application to the proper subject and class subject thereto. Article III Judicial will not be present, only commercial entities are subject to "procedural" due process i.e. diminished "justice."

All accusers within a commercial forum have a sworn duty as "officers of the court" to protect both Articles II and III. All three Separation of Powers are required as witness and officials in a state Court.

A state Court using Federal Rules (FRCP) are of the Penumbra Doctrine and may be made totally "dead in Law" by a Citizen who reserves his Article III Rights to state Court pursuant to UCC 1-308.

The agent has been put on "Notice" (UCC 1-201.26 "Color of Law") being immune from being held without victim, witness or warrant. The summary agent (statute merchant) must be amenable to this type of plea from a sovereign American Citizen who must be heard under Article III "due process" and related mandated right of unlimited discovery prior to hearing, because even the agent had no jurisdiction to proceed and could be sued by the victim for false persecution, kidnapping and possible Robbery Ashore.

As there is no victim, nor "verified complaint," based upon "probable cause" prior to having paid a fine been subjected to Levy or confined to hardship within Federal Rule 12(b) of the commercial Tribunal.

The police powers have only the power of arrest granted them by their Masters charter. The FBI, IRS, ATF, license bureaus, municipal tax, and police power are all heads from the same dragon, and only differ contractually. If the contract they presume to exist or enforce is

"dishonored" for my failure to specifically perform. The Bill Of Rights are "occupied" by elliptical words of art and Maritime Contract. A commercial action must be met with a commercial response from the agency who by their nature cannot and will not acknowledge the secured Article III due process Rights of the individual who signs their "one status fits all" instruments "unconditionally."

Article II D.O.J. lends its "implied power" under the Penumbra Doctrine to execute procedures for collection, which violate the Separation of Powers Doctrine. Should the Citizen not possess knowledge of the transgression, so be it, for the Citizen is presumed to know the Law and may not use any other documents to excuse ignorance.

"Subject"/Ignorant citizens are bound to follow procedural rules in civil actions, even if they do not speak the dialect or understand the law. When the Natural state Citizen remains In Propria Persona, Article III Judiciary requires "probable cause" to issue or Citizen may not be "held" prior to "indictment" of The People per the 5th Amendment. A state Citizen is only as free as his knowledge of the elliptical Citizenship devise within agency contract. A state Citizen is not required to follow Federal Rules of Civil Procedure for these Citizens are "without" the said jurisdiction. If voluntary assent is subscribed by non-disclosure or fraudulent representation/inducement, the contract is a nullity and "dead in Law" when the instrument is brought before the proper Tribunal as "unconscionable."

Whereas, The Masted Federal flag is warning to all; Maritime Jurisdictional Civil Law will dispense forum "procedural "due process to any who enter by contract or "tacit" compliance.

The state only has the presumed power over the Citizen when Maritime jurisdiction has been empowered by "subject matter and in-persona jurisdiction" as provided at Rule 12 (b) which delict false citizenship and obligates the party as the [ignorant] "subject" by fraudulent design.

Federal Rule 12 Defenses and Objections-(b) "the following defenses may at the option of the pleader be made by motion: lack of jurisdiction over subject matter. (commercial "class") lack of jurisdiction over the person (contracted artificial subject v. natural born) a motion making any of these defenses shall be made before pleading.

(Administrative level) (h) (3) "Whenever it appears by suggestion of the parties or otherwise that the court lacks jurisdiction of the subject matter, the court shall dismiss the action."

WHEREAS; "Without Prejudice" UCC 1-308 is by its nature much more than a mere "suggestion" or "request" when written above your signature. A reservation of Rights activates a dormant right that vitiates the license/summons etc. by placing a non-assumpsit "condition" upon the now non-negotiable unit at UCC 3-104.2. The "promise" of UCC 3-104.3 is void ab initio and cannot "make liable" the "promise" under penalty of perjury at UCC 3-104.3. No performance is required for lack of subject matter jurisdiction as "lawful money of the United States" is not germane to "relief sought."

The "proof of the matter stated" is contract or lack thereof and a statement of "Without Prejudice" UCC 1-308, gives notice that I elect to remain silent" and thereby, will estoppel the agency and stay the matter at the administrative level. "Without Prejudice" is "notice" to agency that a "suggestion" has been made to deny jurisdiction per Rule 12 (b). "Color of law" statutes are very clear and usually devoid of any valid implementing regulation, and thereby, "the court shall dismiss the action." The judge would violate his oath to act in a personal manner to harm anyone, and "made liable" and "obligated" to the Citizen for

notice, now the code must be read in harmony with the common Law at the Rhode Island Code.

This section of the Uniform Commercial Code is the only place the Constitution and equity may be joined without 'contempt' of the tribunal.

A court which presumes that I will appear [in the airspace above], cannot issue a criminal warrant for 'failure to appear' at corporate bar. 'Without prejudice', written above my 'writing/L.S.' at UCC 3.104.1, destroys the "unconditional" requirement at UCC 3-104.2 and 'promise' is forfeit at UCC 3-104.3. Reservation serves as a bar to all others at 'Obligation of Contract' that a 'condition' is prima facie and wanting upon the unit and it is utterly void at Law.

It is 'proclivity of the adversary not to answer', so I would not expect the agency to voluntarily offer any information upon the herein referenced understanding of the above unconditional right to remedy. Generally the agency can be expected to play 'ignorant' and revert to a predictable 'mail box policy', and I will answer everything with reservation at UCC 1-308. The agency must offer their issues in writing under penalty of perjury, sign and mail them to me. Failure of the agency to answer timely on the part of agency is tacit 'estoppel.' As for phone calls they are 'parol' and courts will always grant a 'parol' opportunity to offer an explanation for 'dishonoring' agency presentment(s) by what must be a 'creditable' agency phone call.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct; and at all times asserting my reservation of all rights, remedies, and applicable treaties without prejudice UCC 1-308. I am the Authorized Representative and source of any and all Credit to be monetized as a result of this communication and transaction.

By my hand, this 31 day of July, 2015,
Gene-Michael: Le Feltre
without prejudice UCC 1-308

Below is the notice going to cause strictly adherence to my Article III "Due Process" in accordance to the Bill of Rights regarding any presumptive circumstance of Arrest, Warrant and Restraint and must be followed to the letter for cause and pursuant to the reservation of rights, remedies and applicable treaties without prejudice UCC 1- 308. All other rights are equally reserved and may at some point, require the Chief Justice of the Rhode Island Supreme Court to certify the constitutionality of any statute that may be relied upon by any operative of "this state" to summarily infringe such rights.

Arrest is presumed to be False under Article III Due Process

MEMORANDUM OF POINTS AND AUTHORITIES

1. Arrest is presumed to be false; officer has the burden of proof

The only thing the plaintiff needs to plead and to prove if alleging false arrest, is either (1) that the defendant made an arrest or imprisonment, or (2) that the defendant affirmatively instigated, encouraged, incited, or caused the arrest or imprisonment. *Burlington v. Josephson*, 153 Fed.2d 372,276 (1946).

"The United States Supreme Court ... stressed the need for 'individualized review' to avoid the issuance of 'rubber stamp' warrants." *State v. Paulick*, 277 Minn. 140, 151 N.W.2d 596 (1967).

5. False arrest is assault and battery

"An illegal arrest is an assault and battery. The person so attempted to be restrained of his liberty has the same right, and only the same right, to use force in defending himself as he would have in repelling any other assault and battery." *State v. Robinson*, 72 Atl.2d 262 (1950).

"An arrest without warrant is a trespass, an unlawful assault upon the person ... where one is about to be unlawfully deprived of his liberty he may resist the aggressions of the offender, whether of a private citizen or a public officer, to the extent of taking the life of the assailant, if that be necessary to preserve his own life, or prevent infliction upon him of some great bodily harm." *State v. Gum*, 69 S.E. 464 (1910).

"Every person has the right to resist an unlawful arrest ... and, in preventing such illegal restraint of his liberty, he may use such force as may be necessary." *Columbus v. Holmes*, 152 N.E.2d 306 (1958).

6. No handcuffs (sorry, OSHA)

"But a constable cannot justify handcuffing a prisoner unless he has attempted to escape, or unless it be necessary in order to prevent his doing so." 51 L.R.A. 216.

"The handcuffing was utterly unlawful." *Osborn v. Veitch* 1 Foster & Fin Eng Rep 317.

7. Go immediately to a magistrate (no photographs, no fingerprinting)

"The one arresting has 'a duty to immediately seek a magistrate,' and failure to do so 'makes a case of false imprisonment.'" *Heath v. Boyd*, 175 S.W.2d. 217 (1943); *Brock v. Stimson*, 108 Mass. 520 (1871).

"To detain the person arrested in custody for any purpose other than that of taking him before a magistrate is illegal." *Kominsky v. Durand*, 12 Atl.2d. 654 (1940).

"Any undue delay is unlawful and wrongful, and renders the officer himself and all persons aiding and abetting therein wrongdoers from the beginning." *Ulvestad v. Dolphin*, 278 Pac. 684 (1929).

"The taking of the plaintiff's picture before conviction was an illegal act." *Hawkins v. Kuhne*, 137 NY Supp 1090, 153 App Div 216 (1912).

"The power to arrest does not confer upon the arresting officer the power to detain a prisoner for other purposes." *Geldon v. Finnegan*, 252 N.W. 372 (1934).

"Compulsory fingerprinting before conviction is an unlawful encroachment...[and] involves prohibited compulsory self-incrimination." *People v. Helvern*, 215 N.Y. Supp. 417 (1926)

Due process — Equal protection — Discrimination

Article 1, section 2 of the Rhode Island Constitution provides:

Presentment in the nature of a "Letter Rogatory."

"Laws for good of whole — Burdens to be equally distributed — Due process — Equal protection — Discrimination — No right to abortion granted. — All free governments are instituted for the protection, safety, and happiness of the people. All laws, therefore, should be made for the good of the whole; and the burdens of the state ought to be fairly distributed among its citizens. No person shall be deprived of life, liberty or property without due process of law, nor shall any person be denied equal protection of the laws. No otherwise qualified person shall, solely by reason of race, gender or handicap be subject to discrimination by the state, its agents or any person or entity doing business with the state. Nothing in this section shall be construed to grant or secure any right relating to abortion or the funding thereof.

Summary

For a warrant to issue: the warrant must be signed with a wet blue ink signature by a sitting judge who must have taken a constitutional oath of office on file and proof of a bond to indemnify the party to be taken into custody; must specifically name the crime committed;

must contain an affidavit executed (under oath) by the accuser, stating FIRST HAND facts constituting a crime;

must name the party to be arrested, or describe him or her sufficiently to establish identity;

must offer the warrant and the affidavit for inspection upon request;

No handcuffs;

must immediately take the arrested party before a magistrate when demanded, and hold the party for no other purpose (no photographs, no fingerprinting);

You are responsible for everything that happens to the party even if you relinquish custody to an assign;

Unlawful arrest is assault, battery and trespass;

There is no immunity in a false arrest case;

Good faith is not a defense to sustain false arrest.

Wrongdoers Are In Breach Of Their Duties As Fiduciaries of the Public Trust

Wrongdoers have acted contrary to the will and the expressed legislative intent of Congress, contrary to the laws and Constitution of the United States, as well as contrary to the laws and Constitution of The State of Rhode Island, in violation of the peace and dignity of the United States of America, the State, and the County, and in breach of their duties as fiduciaries of the Public Trust.

"It is not the function of our Government to keep the citizen from falling into error; it is the function of the citizen to keep the Government from falling into error." *Entertainment Software Ass'n v. Blagojevich*, 404 F.Supp.2d 1051, 1075 (2005), citing *Anwrican Communications Ass'n CIO v. Douds*, 339 U.S. 382, 442-443, (1950).

And,

"This duty does not arise solely from the interest of the party concerned, but from the necessity of the government itself," In *re Quarles*, 158 U.S. 532, 536 (1895).

And, "No people can have any higher public interest, except the preservation of their liberties, than integrity in the administration of their government in all its departments." *Trist v. Child*, 88 U.S. 441, 450-451, 1874.

Lastly ...If the warrant states as cause to issue, a mere civil/statutory infraction or "offense" not rising to the level of a capital crime, then the arrest is in violation of Article III "Due Process" ...You do not by accommodation, accept the offer of arrest for any statutory infraction or omission unless the statute defines a capital crime and thereby probable cause exists to issue a warrant based upon said probable cause by the damaged party or his agent acting in his personal capacity.

NOTICE: The arresting officer that is in possession of this information and has been duly presented with said material, has both a civil and legal duty to become informed with the material incorporated herein before an arrest is determined to have cause to be performed.

With Reservation of All Rights, Remedies, Applicable Treaties and particularly noting, the first 10 amendments to the Constitution which make up the Bill of Rights favoring the Natural Right to prevail in regard to a conflicting statute and is a right that can be reserved pursuant to UCC 1-308, under the Due Process Clause pursuant to Article III.

I declare under penalty of perjury **under the laws of the United States of America** that the foregoing is true and correct; and at all times asserting my reservation of all rights, remedies and applicable treaties without prejudice UCC 1-308.


By my hand, this 31 day of July, 2015,
Kenneth-Michael:DeLashmutter
without prejudice UCC 1-308

Kenneth-Michael:DeLashmutter
c/o 2064 C Mineral Spring Avenue
zip-exempt, near
North Providence, rhode island
North America, the Land [02911-9998]

JURAT

Rhode Island State)
) ss.
County of Providence)
Providence County)

On the 18th day of Aug^t, 2015, Kenneth-Michael:DeLashmutt personally appeared before me and proved to me on the basis of satisfactory evidence to be the person whose name is subscribed hereto and acknowledged to me that he executed the same under asseveration, and accepts the facts thereof. Subscribed and affirmed before me this day. Witness my hand and seal this 18th day of Aug^t 2015.

Notary Signature  (seal)

My Commission expires on the 6 day of 12, 2017.